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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,388	08/18/2000	Edward J. Bawolek	042390.P5751C	1183

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EXAMINER

WU, JINGGE

ART UNIT PAPER NUMBER

2623

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/642,388

Applicant(s)

BAWOLEK ET AL.

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 10-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) 7-9 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-2, 5-6, 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6459449 to Juen.

As to claims 1-2, Juen discloses a method of color calibrating an imager device comprising:

subjecting said imager device (fig. 1) to plurality of light sources (abstract, col. 10 line 63-col. 11 line 8);

obtaining a first set of color channel responses from said imager device (fig. 6a-6c, col. 2 line 58-col. 4 lines 64, col. 10 line 58+); and

determining R, G, B. color calibrating coefficients for said imager device (figs. 6a-6c, col. 2 line 58-col. 4 lines 64, col. 10 line 58+, col. 15 lines 19-42).

As to claims 5-6, 10, Juen further discloses the imager device subject of the plurality of light source sequentially or simultaneously, and obtaining the set of color channel responses corresponding to each of the light sources, which are of known

color values (figs. 6a-6c, col. 2 line 58-col. 4 lines 64, col. 10 line 58+, col. 15 lines 19-42).

As to claims 11-14, Juen further discloses determining the color value to be simulated (abstract), determining a plurality of sets of weighting factors (coefficients) correlating or corresponding the plurality of light sources to the color value of the color target to be simulated (figs. 6a-6c, col. 2 line 58-col. 4 lines 64, col. 10 line 58+, col. 15 lines 19-42); powering the plurality light source according to the coefficients corresponding to the color targets (figs. 6a-6c, col. 2 line 58-col. 4 lines 64, col. 10 line 58+, col. 15 lines 19-42); and obtaining the corrected color response according to coefficients (abstract, col. 15, line 52-col. 16 line 59).

Claims 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US5537229 to Brandestini et al.

As to claims 16-17, Brandestini discloses an apparatus comprising:  
a chamber (fig. 7f) have an opening to receive an imager device and an inner surface (fig. 5 col. 4 line 56-col. 6 line 28); and

a plurality of light sources (LEDs) coupled to said inner surface of the chamber to stimulate the imager device (fig. 7a-7f, col. 9 line 4-col. 10 line 60).

As to claims 18-19, Brandestini further discloses the LEDs having the wavelength ranges in 400 nm-750 nm; and spreads of 5nm (col. 10-lines 2-6).

As to claim 20-21, Brandestini further discloses a computing device coupled to receive an output of imager device and coupled to the light sources (fig. 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juen.

As to claims 3-4, Juen does not explicitly mention CMY or CMYG responses.

Examiner takes Official Notice that these features are notoriously well known in the art of color image field.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the feature in the method of Juen in order to use the method in the imager device such as printer that uses CMY responses.

***Allowable Subject Matter***

Claims 7-9, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5339176 to Smilansky et al, US 5781206 to Edge, US 6249615 to Kunishige, and US 5668596 to Vogel disclose methods for color image correction.

### **Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

